Backgrounder

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Center for Immigration Studies

The Coming Conflict Over Asylum

Does America Need a New Asylum Policy?

By Don Barnett

Asylum remains one of the least understood policy issues in America today. Shifting from a basis of largely serving foreign policy goals to one that serves global humanitarian aims, it is more complex than ever. It should be fertile ground for serious public discussion, combining as it does several current issues — immigration, human rights, foreign relations, the influence of special interest lobbies, the decline of national sovereignty, and the rise of international law. Despite this, public awareness of the issue does not go beyond the occasional human-interest story of individual asylum seekers and their struggles. Issues include:

Just seven days after the September 11 attacks, the administration recommended the admission of 70,000 refugees for fiscal year 2002. Though the proposed refugee quota was finalized prior to September 11, the document containing the proposal was issued by the National Security Council after September 11 with no footnotes or reference to the events of that day, according to a State Department source who wishes to remain anonymous. Shortly after, refugee admission was temporarily halted pending a review of the refugee selection process and a review of security for those federal government personnel who travel the world considering candidates for the U.S. program. Refugee admission has resumed with more in-depth background checks for refugees and a scaled back outreach program in areas of the world considered risky.

The events of September 11 cleared away some of the clouds obscuring refugee and asylum immigration, but what became *the* story was not news about a refugee program that had been on autopilot for years, but the "moratorium" that had been imposed on the admission of women and children refugees. Some experts say the program will bring in fewer than originally planned this year, perhaps 45,000 to 50,000, but with time the program will return to original levels. In fact, with the war on terrorism, it might even grow larger in coming years. What better way to show that America offers the chalice of hospitality to friends while hunting down its foes with the sword?

Admission of asylum seekers is also likely to continue at historically high levels after a brief slowdown. The terms "asylum seeker" and "refugee", often used interchangeably, have distinct and separate definitions in U.S. law. The 1980 Refugee Act (Public Law 96-212) incorporating the 1951 U.N. Refugee Convention and its 1967 Protocol, defined a refugee or asylum seeker as someone who is unwilling to return to his or her country out of a "well-founded fear" of persecution "on account of race, religion, nationality, membership in a particular social group, or political opinion." A formal infrastructure of federal and state agencies and private charities functioning as federal contractors helps intending refugees initiate requests for "status," arranges transportation to the United States, and navigates the maze of health, welfare, and other services available to refugees upon arrival in the United States.

Unlike refugees, *asylum seekers* have managed to get to U.S. shores on their own, most commonly on a non-immigrant visa such as a tourist or work visa. Asylum claims can be and are made from U.S. territories such as Guam. About a quarter of asylum petitions are made by those who arrive at a U.S. port of entry without valid documents. An asylum seeker must demonstrate a "well-founded fear" of persecution on the same basis as a refugee and, once granted asylum, enjoys the same entitlements under U.S. law and theoretical protections under international law that extend to refugees.

Most refugees to the United States in the 1980s and 1990s arrived under broadly designated categories without necessarily meeting persecution standards set forth in the 1980 Act. Acceptance rates of asylum petitions, like the designation "refugee," reflected cold

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war priorities. Asylum seekers from our enemies were much more likely to be welcomed than those fleeing countries that were our allies. Thus, refugee-sending countries became asylee-sending countries as well.

Conferring extraordinary immigration privileges on one group brought demands from other groups for the same privileges. Ethnic lobbies united around campaigns to increase numerical quotas and benefits for refugees and asylees while jockeying among themselves for influence over the breakdown and distribution of the quotas. All refugee flows vastly outstripped original projections, fueled in no small part by the fact that refugees entered the ranks of salaried service-providers and lobbyists for future generations of refugees. Annual average refugee immigration ran at slightly more than 100,000 individuals a year through the 1990s – more refugees than all other nations together accept for *permanent* resettlement. As well, about 20,000 Cubans arrive each year with refugee-like privileges. Of course, when considering refugees who have "temporarily" resettled outside their home country, poorer countries like Iran and countries in Africa bear a disproportionate impact from transnational refugee flows.

While it is necessary to explain the refugee program in order to understand asylum, this paper will leave a full discussion of the refugee program for another day, focusing instead on asylum and related issues.

The 1980 Refugee Act anticipated grants of asylum to only about 5,000 individuals a year. In the year 2000 about 30,500 were granted asylum. [1]

Asylum Applications Filed With the INS, FY 1980-2001

Year	Applications Received [1]
1980 [2]	26,512
1981 [2]	61,568
1982	33,296
1983	26,091
1984	24,295
1985	16,622
1986	18,889
1987	26,107
1988	60,736
1989	101,679
1990	73,637
1991	56,310
1992	103,964
1993	144,166
1994	146,468
1995	154,464
1996	128,190
1997	85,866
1998	54,952
1999	42,207
2000	48,054
2001 [3]	64,731

Source: U.S. Committee for Refugees.
[1] More than one person can be included on each application. A multiplier of 1.3 gives a reasonable estimate of the number of people covered.
[2] Data have been estimated due to changes in reporting procedures.
[3] Data are preliminary. Includes 59,432 newly filed and 5,299 reopened cases.

A Question of Numbers

In 1995, applications for asylum were filed for approximately 200,000 individuals, a number that nearly equals the annual average immigration from all sources throughout U.S. history until 1965.[2] This number was slightly inflated by re-submitted applications and a "one-time" large-scale grant of asylum. Clearly though, the trend in the early 1990s showed a massive acceleration in asylum immigration that could have overwhelmed the system.

The vast majority of the asylum claims were being turned down as groundless or fraudulent, but that had little impact on the overall numbers of individuals remaining in the country. Most claimants whose applications were rejected remained in the country, often disappearing or launching lengthy appeals that dragged on until the claimant found some other means of gaining permanent residency. It was an open secret around the globe that claiming asylum was a means of immigrating to America.

That things had gotten out of hand was acknowledged at all points along the political spectrum. Former N.Y. mayor Ed Koch lamented in TV interviews that all it took to get through immigration at Kennedy airport was "two little words — 'political refugee.'"

Even Sen. Edward Kennedy (D-Mass.) declared "The asylum system has broken down and it's up to the Congress and the administration to fix it."[3]

INS Commissioner Doris Meisner said in 1994 that "people with no legitimate claim to asylum are applying in record numbers, some brought by smugglers, some using fake documents, and some overstaying the visas granted to them as visitors."[4] Speaking in 1995, she added: "...fraudulent asylum claims [are] routinely used as a backdoor way to enter the United States."[5]

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In response to the rising number of frivolous asylum claims, extensive regulatory and legislative changes were made in 1995 and 1996. (For a thorough discussion of these changes, see David A. Martin's 2000 *Backgrounder,* "The 1995 Asylum Reforms, a Historic and Global Perspective," available on line at www.cis.org/articles/2000/back500.html.) The 1996 IIRAIRA (Public Law 104-208) included asylum reforms directed at those who show up at U.S. ports of entry without valid admission documents. Today, as before the 1996 reforms, any such individual can claim flight from persecution and, if the claim is successful, change status from "illegal alien" to "asylum seeker." The 1996 law devolves some of the decision-making about the legitimacy of an asylum claim to lower-level officials at the beginning of the process instead of deferring to courts at the end of the process.

It also provides for deportation of individuals who do not establish a "credible fear" of returning home during the course of a question and answer interview with an INS asylum officer. Known as "expedited removal," this represents a significant departure from earlier standard operating procedure. It denies the right of appeal through the immigration courts to those who do not make their case in the initial "credible fear" interview under the legal grounds that such individuals have not entered the country and thus do not have all the constitutional rights of a person residing in the United States. Also, those who *are* deemed eligible to seek asylum may be detained while their claim is sorted out, though only a minority actually wind up in detention. Those who clear the first interviews with an INS asylum officer, like those who arrive legally on a temporary visa and later file for asylum, have the right of appeal through the immigration courts and then through the federal courts. In FY 2000, under expedited removal, 86,000 were removed and another 125,000 voluntarily departed soon after arrival.[6]

The law today mandates detention of asylum seekers until their asylum request is adjudicated when there is a flight risk, no clear means of support is available, or when the INS has reason to believe the applicant is not who he says he is. This reflected Congressional concern over the February 1993 World Trade Center bombing and the terrorist attack near the CIA headquarters that year. Some of the leading actors in these incidents were asylum seekers who had been released pending the outcome of their asylum claim.

Detention and deportation of asylum seekers are contentious issues and were becoming the stuff of pre-9/11 Congressional hearings and Hollywood protests. Even the Bush-appointed head of the INS, James Ziglar, came to the post vowing to do something about expedited removal and detention.

Isolated cases of bureaucratic ineptitude and abuse of detainees provided a public relations boost to the broad array of advocacy groups attempting to overturn expedited removal and weaken detention provisions. The image of innocent immigrants in jail had been used to good effect by advocacy groups' "Fix '96'" campaign, in a debate that is almost totally defined by public relations and media images. The actual detention statistics for asylum seekers — roughly 5 percent of those granted asylum in 2000 spent any time in detention, and those for an average stay of 35 days[7] — belie a media-fostered image of asylum seekers routinely thrown into jail upon arrival.

World Trade Center 2 has stalled the Refugee Protection Act of 2001 (S.1311), a major legislative effort aimed at liberalizing asylum admission. It may seem unnecessary to devote discussion to a bill that is now off the table, but such efforts have been "delayed, not derailed," according to J. Kevin Appleby, Director of the Office of Migration and Refugee Policy at the Conference of Catholic Bishops. Aides for Senators Patrick Leahy (D-Vt.) and Sam Brownback (R-Kan.), legislative sponsors of the Refugee Protection Act, are confident that a return to "normalcy" will mean passage of the bill in 2002.

Though not intended as a protection for the average undocumented immigrant apprehended crossing the border with Mexico, the fact is, under the Refugee Protection Act, no one making an asylum claim, regardless of its implausibility, would be denied the right to counsel and right of appeal through immigration courts and federal courts. Further, the law would require the United States to explain those rights in the applicant's own language. Expedited removal would be ended except for "immigration emergencies." Instead of detention, those awaiting adjudication of their claim would be released to the supervision of 10 large "voluntary agencies" and their affiliates. The "volag" affiliates comprise hundreds of non-governmental agencies, most organized along ethnic and racial lines and dedicated to increasing the flow of their own countrymen as asylum seekers and refugees.

For most asylum seekers, the asylum process is a matter of getting to the United States on any valid visa and then walking into any of a number of immigration law offices or government-supported charities. U.S. Catholic Charities alone has over 100 offices where a visitor to America with, say, a tourist visa can pay $200 to have an asylum application filled out and receive advice about how to act in a hearing with INS asylum officers. This is the way asylum is done in America today. Under the Refugee Protection Act it will be almost as easy to file an asylum claim for those who simply show up on U.S. shores *without* valid immigration documents.

Today about 75,000 individuals seek asylum annually. In a dozen interviews with aides to Senate sponsors of the bill, officials at the INS and the Executive Office of Immigration Review, and refugee NGOs, no one would hazard a guess as to how much of an impact the

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bill might have on this number. Most agreed the Refugee Protection Act would result in an increase in both the number who *seek* asylum and the number who are *granted* asylum.

Most important may be the number of those attempting to gain asylum, as this leads directly to illegal immigration. Simply put, there will be more opportunity to make an asylum claim and then disappear. A reversal of key asylum components of the 1996 reforms would lead to renewed large-scale asylum immigration. The number of asylum seekers could go well beyond even the numbers seen in the mid-1990s for several reasons. Migratory flows have exploded around the globe. With the end of the Cold War, the United States is less inclined to give national interest weight in refugee and asylum policy, preferring instead to define its role as one of "international burden sharing" and humanitarianism. Also, asylum and refugee flows are no longer the concern of private charities taking risks and committing their own resources, conditions which, in the past, provided an element of control and stability over the process.

Insane Asylum

Even without legislation like the 2001 Refugee Protection Act, there are enormous upward pressures on asylum numbers arising from the changing definition of asylum. Although asylum seekers, like refugees, must prove persecution, the definition of persecution has proven to be highly malleable. Legal spadework has made asylum possible for a population that dwarfs that envisioned by the 1980 Refugee Act's authors.

Besides changing the original reading of the refugee law, which held that persecution means persecution by the state and not "generalized violence," the courts, legislation, and executive orders have expanded the definition of the categories (religious, political, social group, race, nationality) specifically protected by a grant of asylum in the United States. Thus, individuals who claim to be fleeing China's one-child policy are considered to be "persecuted" on account of membership in a "political group."

The legal category "particular social group" has proven to be particularly useful. In March 2001 the 9th Circuit U.S. Appeals Court found in Aguirre-Cervantes v. INS (Case No. 99-70861) that a 19-year old Mexican woman, Rosalba Aguirre-Cervantes, was persecuted on the basis of membership in a "particular social group" — the social group being her family and the persecutor being her father. A lower court had placed her in a different social group ("abused Mexican children") but hadn't connected the other dots to establish the case for asylum. In the latest appeal, the court needed to establish that the Mexican state was unwilling or unable to provide protection to the asylum claimant. Her lawyers presented evidence that domestic violence in Mexico is "pervasive, officially tolerated, and in some areas, legally approved." The court agreed and granted asylum.

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It is a commonplace that universal human rights will be the ultimate solvent of national sovereignty: "The age of nations must end, the era of humanity begin." (So begins the Preliminary Draft of a World Constitution published by the Committee to Frame a World Constitution in the late 40s.)[8] The principle of the rule of international law has arguably made the most progress in the area of human rights for refugees and asylum seekers and in important ways U.S. sovereignty in decisions about who can immigrate is being supplanted by international mandate. The Convention Against Torture (CAT)[9] is the latest and potentially the most restrictive of several U.N. human rights conventions ratified by Congress that relate to asylum.

Binding on U.S. law since March 1999, the convention holds that anyone who could be tortured if returned home must be given asylum. Where other forms of asylum are extended at the discretion of the United States and therefore represent a theoretical "national will" (which could be changed at some time), Torture Convention asylum overrules U.S. intentions and is mandatory. Unlike other forms of U.S. asylum, this protection extends unconditionally to criminals, even to torturers, mandating asylum for anyone who meets the criteria outlined in the law. Convention asylees are not subject to the immigration bar that relates to those with TB or HIV. Under Convention asylum, the only points that can be argued are what constitutes torture, whether the claimant would "more likely than not" be subject to it, and whether or not such torture is the work of a state agency or is carried out with the "acquiescence" of the state. The U.S. Senate inserted language to the effect that pain and even death caused by the state while carrying out punishment for a crime is not necessarily torture. But state-administered punishment that is "arbitrary" or "cruel and unusual" is torture under the law. Legal experts agree that the death penalty for drug

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dealing or economic crimes would qualify as torture under the law, as would any number of punishments used by states today under Islamic law. According to Amnesty International, 125 countries practice state-sponsored torture. The United Nations High Commissioner for Human Rights, Mary Robinson, declared the Chinese practice of detention in re-education and labor camps to be torture under the Convention.

The Convention offers great potential for broadening the definition of asylum criteria. The requirement of state persecution in such cases will not deter its use, as the evolution of asylum law has shown that if the state is incapable of totally eradicating cultural practices and social behavior that fall outside western norms then it "acquiesces" to them.

Jailhouse of Nations

In recent testimony before Congress, the INS seemed overly anxious to allay concern that the Convention Against Torture is abused by criminals, such as Haiti's Emmanuel "Toto" Constant, founder of Haitian paramilitary organization, FRAPH, which is blamed for a wave of murders and other atrocities. The good news might be that some of these can be prosecuted in U.S. courts under the "international jurisdiction" clauses of the Convention. The United States is already known as a haven for criminals fleeing retribution at home. The possibility of an encounter with the U.S. justice system would hardly be a deterrent to immigration for someone who faces retribution for, say, genocide at home. According to INS General Counsel Bo Cooper, "the stringent standards set out in the new torture regulations are not resulting in overbroad protection for criminal aliens…. but it is still early to assess fully the progress of interpretive law development."[10] In other words, as with all such statutes, the Convention will go through a ramp-up period as precedent builds upon precedent and the legal arts develop the full potential of the law.

Approximately 600 Convention asylum claims were granted in the first 16 months after implementation of the law — not a large number, but eligibility standards and the definition of terms will doubtless prove as elastic as those found under other asylum laws. This together with its inflexible hold over U.S. law could make it a powerful engine of humanitarian immigration in the future.

Refugee and Asylum Policy in the National Interest?

U.S. foreign policy has hardly disappeared from refugee policy, though its role is greatly diminished compared to humanitarianism. It may be more accurate to say that U.S. foreign policy is converging with broadly defined humanitarian ideals at the expense of the national interest and that these changes have implications for refugee and asylum policy. For instance, Congress committed to protect religious freedom internationally with passage of the International Religious Freedom Act of 1998 (Public Law No. 105-292),[11] which establishes a new federal office and mandates an annual State Department report on the state of religious toleration around the world, in effect providing talking points for asylum lawyers seeking to make the case for asylum from countries listed in the report.

> Even without legislation like the Refugee Protection Act, there are enormous upward pressures on asylum numbers arising from the changing definition of asylum.

In its 1999 report to the President, the Advisory Committee on Religious Freedom Abroad called for "meaningful protection to the victims of religious persecution. We must upgrade domestic procedures that identify and protect refugees and asylum seekers fleeing religious persecution. We must strengthen our overseas refugee processing mechanisms to reach those in need of rescue… And, here at home, we must eliminate processes such as 'expedited removal' that can make victims of those fleeing religious persecution rather than providing access to protection."

The Trafficking Victims Protection Act of 2000[12] provides for non-immigrant visas for certain of those trafficked to the United States for the sex trade if they are under 18 or can show they were forced into the trade. Regulations implemented in July 2001 provide for services for the victims of trafficking such as housing, medical care, translation services, and information about their rights. The new T visa is temporary and carries an obligation on the part of the holder to cooperate in the prosecution of trafficking crimes, but there is nothing so permanent as a temporary visa, and those who traffic in asylum seekers will note a State Department estimate that 45,000 to 50,000 of these "modern-day slavery" victims are trafficked annually into the United States.

Congress will doubtless pass the Unaccompanied Alien Child Protection Act (S.121, sponsored by Dianne Feinstein (D-Calif.), Bob Graham (D-Fla.), and Edward M. Kennedy (D-Mass.)), affording immigration privileges to those children "parachuted" into the country by their parents or by smugglers. Children paroled into the country on an ad hoc basis have already begun petitioning for their parents to join them in the United States. This bill will institutionalize this avenue of asylum immigration.

Speculation about the United States taking some Palestinian refugees as part of a U.S.-brokered Middle East

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peace settlement has been muted of late, but a State Department source said that, in spite of the September attacks, this likely will happen within a few years.

The fact that the United States annually takes in about 10,000 former Soviet "evangelical" refugees (more than half of whose recently arrived family units have at least one member receiving an SSI or TANF check)[13] and has no official refugee program for China, the main source of asylum seekers, shows how far we are from the utopian ideal of humanitarian admissions standards free from political considerations. But that is changing, with unpredictable and possibly explosive results.

The main source of refugees and asylum seekers is shifting from former communist countries to Africa and the Middle East, as "international burden sharing" and "diversity" become watchwords of the program. Refugees are now far more likely to be resettled to the United States from refugee camps upon the recommendation of the U.N. High Commissioner for Refugees (UNHCR) than was the case before. The United States sends so-called "circuit riders" to refugee camps around the world looking for candidates to come to America as refugees. Some of the circuit riders have reportedly caused riots at camps among refugees attempting to apply for the U.S. refugee program.

All refugee flows bring concomitant asylee flows because of the implied legal basis for asylum, not to speak of the usual networking that goes on between new arrivals and those left behind. As we have seen, improved prospects for asylum bring increasing numbers of undocumented immigrants hoping to use asylum as a means to gain entry.

"Safe" Haven?

At some point it will be asked if those fleeing the world's horrors are actually finding refuge from them in the United States. For example, FGM is illegal in the United States yet the CDC has estimated that 150,000 females in the United States are at risk for or have undergone the operation. Indeed, there is a thriving back alley practice in FGM in the United States which some are reluctant to condemn under the theory that to do so would be "culturally insensitive." A recent study of Latina immigrants in Washington, D.C., found that nearly half were in relationships abusive enough to qualify for a court's protective order, according to Leslye Orloff, an immigration expert for the NOW Legal Defense Fund.[14]

The U.S. Commission on Civil Rights Chairwoman, Mary Frances Berry, has said "This nation's immigration policies and the way that they are implemented have obvious civil rights implications involving race, national origin, and religious discrimination issues….asylum seekers have not only suffered under an oppressive regime in their native countries, but subjected to racial, ethnic, religious, and gender bias upon their arrival."[15] She could have added that much, if not most, of that bias is rooted in the very enclaves where the "oppressive regimes" are being replicated.

The outcome of a successful asylum claim is permanent residence in the United States, a country far wealthier and more stable than the claimant's home country. It also means instant eligibility for all public assistance programs, an entitlement available to non-refugee immigrants only after receiving citizenship. This is no longer a low-profile benefit for a handful of entrants and it will be even more visible in the future as native-born citizens are removed from the rolls of time-limited welfare programs.

As a result of these benefits and the kaleidoscope of choices available to justify an asylum claim, it is not surprising that a global industry has sprung up offering asylum as a means of immigration to the United States. Virtually every ethnic newspaper in America offers the services of asylum and immigration consultants, with unscrupulous operators promising to provide intending asylum seekers with "unique stories of persecution." Freelance immigration consulting is a well-paid and growing field. Political fundraising goes naturally with this line of business, as we learned from America's most famous immigration consultant Maria Hsia, who was involved in the Clinton adminstration fundraising scandals.

A network of government agencies and government-backed NGOs exists to ease refugees and asylees into American life. The U.S. Commission on Civil Rights, "crossing borders" with its message of rights, spearheads "language rights" lawsuits to force social services providers to offer "culturally relevant" services in the language of its newly arrived clientele. At refugee conventions — elaborate affairs held in luxury venues like Washington's Mayflower Hotel — the civil rights establishment explains its latest line of services and refugee workers learn how to maximize public dollars. A favorite grant is the misnamed Federal Match Grant program, where every dollar's worth of volunteer time or donated items brings a $1.40 "match" from the federal government.

The same revolving door linking contractor to federal procurement agency links refugee NGOs and the federal government. Like any other government-dependent industry, advocates for higher levels of refugee and asylee admission often express their needs in terms of the employment it provides, but without mentioning that much, if not most of the employment goes to the new arrivals themselves. There is no better illustration of the axiom "public money drives out private money" than the NGOs' steadfast refusal to use a federal program known as the Private Sector Initiative. This program allowed sponsoring agencies to bring over refugees if the agencies were willing to cover costs of resettlement and support, but was discontinued for lack of use in the mid-1990s.

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Asylum Without End

According to the UNHCR, the world's wealthiest nations spend 10 times more on maintaining their asylum systems than on funding for the UNHCR's protection work in the developing world for the 21 million refugees in its charge.[16] This multiplier is much greater when one includes Western nations' costs for social services for those granted asylum.

Yet the bulk of the burden for hosting the world's large numbers of genuine refugees and asylum seekers still falls to the developing world. The West could never widen avenues of immigration enough to alter this fact without seriously undermining its ability to offer assistance in alleviating the conditions creating the flow. Like it or not, it is in terms of this trade-off that any liberalization of refugee and asylum policy must be discussed.

If some "international protection regime" is to be established, it must be based upon increased attention to the hardship of those refugees in the regions where they reside, not on mass migration to the developed world. This will require dealing effectively with the "push" factors such as overpopulation, poverty, and political instability which are driving asylum seekers and refugees to American shores.

Other forces are at work in asylum immigration, among them: the ongoing separation of asylum from any grounding in the national interest; the surrender of asylum policy to global agents; the total lack of risk, responsibility, or cost to promoters of liberalized asylum; and the evolution of asylum law — an accelerating process that Congress has ceded to immigration lawyers.

The tragic events of September 11 may have shaken America's famous nonchalance about immigration. There is little evidence, however, that it has yet prompted a serious examination of the forces that propel asylum immigration.

End Notes

[1] 2000 is the latest year with complete data. 30,500 is the sum of "defensive" asylum cases(applicants were out of legal status) and "affirmative" asylum cases (applicants had arrived legally). The respective numbers for defensive and affirmative individual asylum seekers – 8,800 and 21,700 – were supplied by Rick Kenney of the Executive Office of Immigration Review and William Strassberger of the INS.

[2] 1995 Statistical Yearbook of the Immigration and Naturalization Service. Table 30. The table lists 149,065 applications for 1995; however, more than one person can be included on each application (i.e., other family members). The INS's William Strassberger believes that using a multiplier of 1.3 results in an accurate number of individuals covered by those applications.

[3] Arnold, Michael S. "Calls to Change Asylum System Gain Urgency." *The Washington Post*, June 13, 1993, p. A24.

[4] Suro, Roberto. "U.S. Tightens Rules for Political Asylum Seekers." *The Washington Post*, March 30, 1994, p. A3.

[5] Goshko, John M. "Revised Political Asylum System Shows Promise in Early Stages." *The Washington Post*, July 9, 1995, p. A16.

[6] Personal communication with William Strassberger of the INS, February 4, 2002, and Elaine Komis, EOIR.

[7] Personal communication with William Strassberger of the INS, February 4, 2002.

[8] Hutchins, Robert. *Preliminary Draft of a World Constitution*. Chicago, Ill.: University of Chicago Press, 1948.

[9] http://www.unhchr.ch/html/menu3/b/h_cat39.htm

[10] Testimony of Bo Cooper, INS General Counsel, before the House Judiciary Committee Subcommittee on Immigration and Claims on September 28, 2000. Available on line at http://www.house.gov/judiciary/coop0928.htm

[11] http://www.state.gov/g/drl/rls/irf/2001

[12] http://www.state.gov/g/inl/rls/tiprpt/2001

[13] U.S. Department of Health and Human Services, Office of Refugee Resettlement, FY 1999 Report to Congress.

[14] Hass, Giselle Aguilar, Mary Ann Dutton, and Leslye Orloff. "Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications." Excerpted from Domestic Violence and Immigration. Washington, D.C.: NOW Legal Defense and Education Fund, 2000.

[15] Gamboa, Suzanne. "Immigration Laws to Be Scrutinized." AP Online, December 8, 2000.

[16] "The Suffering Continues." *Refugees*, Vol. 2, No. 123, 2001.

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- Approximately 200,000 individuals filed asylum applications in 1995, nearly equal to the annual average immigration from all sources throughout U.S. history until 1965.
- Even without legislation like the Refugee Protection Act, there are enormous upward pressures on asylum numbers arising from the changing definition of asylum.
- U.S. foreign policy is converging with broadly defined humanitarian ideals at the expense of the national interest.
- The world's wealthiest nations spend 10 times more on maintaining their asylum systems than on funding for the UNHCR's protection work in the developing world for the 21 million refugees in its charge.